

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application Of:

Eugene T. Michal, *et al.*

Serial No: 09/918,365

Filed: July 30, 2001

For: AN IMPLANTABLE MEDICAL  
DEVICE INCLUDING A  
COVALENTLY IMMOBILIZED  
ANTI-THROMBOGENIC  
MATERIAL

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Examiner: Erma C. Cameron

Art Unit: 1792

Confirmation No.: 1073

**DECLARATION UNDER 37 CFR § 1.132**

I, Eugene T. Michal, declare as follows:

1. I am a joint inventor in the application identified above, which was filed on July 30, 2001.
2. I have read and understand US Patent No. 6,541,116, of which I am a joint inventor.
3. I conceived of or invented the subject matter of claims 1-3, 7-16, and 34 in the application identified above which was disclosed but not claimed in US Patent No. 6,541,116 and relied on in the rejection cited in the office action dated July 31, 2008.
4. I conceived of or invented the subject matter as defined in claims 13, 16, 18 as well as Col. 5, ll. 35-56; Col. 12, ll. 3-31, and Col. 14, ll. 13-48 of US Patent No. 6,541,116 in the United States.

5. I further declare that all statements made herein of our own knowledge are true and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed at San Francisco, California on this 14 day of December 2008.

By:   
Eugene T. Michal